

**** NOT FOR PRINTED PUBLICATION ****

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

HEARING COMPONENTS, INC.,	§	
	§	
<i>Plaintiff,</i>	§	Civil Action No. 9:07-CV-104
	§	
v.	§	JUDGE RON CLARK
	§	
SHURE, INC.	§	
	§	
<i>Defendant.</i>	§	

**ORDER DENYING DEFENDANT’S RENEWED MOTION FOR JUDGMENT AS A
MATTER OF LAW OF NON-INFRINGEMENT AND INVALIDITY**

Plaintiff Hearing Components, Inc. filed suit against Defendant Shure, Inc. claiming infringement of United States Patent Nos. 4,880,076; 5,002,151; and 5,401,920. The ‘076 and ‘151 patents are directed toward a hearing aid ear piece or other sound transmission device connected to a disposable compressible foam sleeve. The jury returned a verdict:

- (1) finding infringement of claims 17 and 36 of the ‘076 patent and claims 1 and 13 of the ‘151 patent for Shure’s products both with a barb (i.e., SCL3; SCL4; SE210; and SE11) and with a straight nozzle (i.e., i2c; i3c; i4c; and SCL5);
- (2) finding no invalidity on obviousness grounds; and
- (3) awarding damages in the total amount of \$ 4,622,999.00.

See Doc. # 158. The court subsequently granted in part Shure’s motion for judgment as a matter of law (“JMOL”) of non-infringement, striking the portion of the jury verdict awarding damages for infringement by Shure’s straight nozzle products, and denying Shure’s motion for JMOL on invalidity. *See* Docs. # 181, 182.

Now before the court is Shure's renewed JMOL of non-infringement and invalidity. Shure raises no new points in this motion; rather, it does nothing more than renew and rehash issues already addressed at length in both pre-and post-verdict briefing. These issues were thoroughly addressed by the court on the record during trial, as well as in the above-referenced Orders on Shure's post-trial motions.

IT IS THEREFORE ORDERED that Defendant Shure, Inc.'s Renewed Motion for Judgment as a Matter of Law of Non-Infringement and Invalidity [Doc. # 191] is DENIED.

So **ORDERED** and **SIGNED** this **22** day of **April, 2009**.

A handwritten signature in black ink, appearing to read "Ron Clark", is positioned above a horizontal line.

Ron Clark, United States District Judge